

Appl. No. 10/036,605
Amdt. dated July 5, 2007
Reply to Office Action of April 5, 2007

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Remarks

The present amendment responds to the final Official Action dated April 5, 2007. The Official Action rejected claims 1-29 under 35 U.S.C. 103(a) based on Cadigan U.S. Publication No. 2004/0093242 (Cadigan). This ground of rejection is addressed below. The Official Action did not address claims 30-32, added with the Amendment submitted January 8, 2007, but these claims are dependent claims having claim 27 as a base claim, and it is therefore presumed that claims 30-32 are rejected on the same basis as claim 27. Claims 1, 11, 14, 24, and 27 have been amended to be more clear and distinct. Claims 1-32 are presently pending.

The Art Rejections

All of the art rejections are based on Cadigan, standing alone. As addressed in greater detail below Cadigan does not support the Official Action's reading of it and the rejections based thereupon should be reconsidered and withdrawn. Further, the Applicants do not acquiesce in the analysis of Cadigan made by the Official Action and respectfully traverse the Official Action's analysis underlying its rejections. In addition, the Applicants do not admit that Cadigan is prior art, but instead of attempting to swear behind it, the Applicants choose at this time to distinguish it.

The Official Action rejected claims 1-29 under 35 U.S.C. 103(a) as unpatentable over Cadigan. In light of the present amendments to claims 1, 11, 14, 24, and 27, this ground of rejection is respectfully traversed.

Claim 1, as amended, addresses a central server computer for receiving inputs from, and providing outputs to, a servicer terminal connected into a network, the servicer terminal

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capturing data from a servicer submitting a mortgage insurance claim, the data being related to an insured mortgage loan after default on the mortgage loan by a borrower, a claims database connected into the network, containing data relating to the mortgage insurance claim, and a claim audit rulebase connected into the network, for automatically performing an audit and adjustments of the submitted mortgage insurance claim, providing results of the audit and adjustments to the servicer at the servicer terminal, and presenting the servicer with an option to interact with a claim representative to resolve any issues. The claim audit rulebase includes rules directed to determine whether loss can be mitigated by acquisition by the insurer of a property subject to the insured mortgage loan.

These limitations in the claimed combination are not taught and are not made obvious by Cadigan. Cadigan teaches a system for management of claims for long term care, and provides facilities for the collection and processing of such claims. In a scenario contemplated by Cadigan, payments are typically to be made periodically, based on entitlement to benefits for the period, typically based on factors such as degree of disablement and expenses incurred. Cadigan does not address any aspect of mortgage insurance and does not involve the participation of a mortgage insurance servicer, as is claimed by claim 1. In particular, Cadigan does not teach a rulebase including rules directed to determine whether loss can be mitigated by acquisition by an insurer of a property subject to an insured mortgage loan. In addition, Cadigan nowhere addresses the capture of data related to an insured mortgage loan after default on the loan by a borrower.

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Cadigan teaches systems and techniques providing various functions and tools related to assessing eligibility for long term care and the care received by a patient and making appropriate payments for such care. Cadigan identifies applicable coverage, examines coverage limits, evaluates the degree of disability of a covered party, evaluates other sources of coverage such as Medicaid, and other factors indicating eligibility for coverage, and performs numerous other functions directed toward payments associated with long term care.

The present invention, by contrast deals with mortgage insurance claims and submission of data relating to an insured mortgage after default by a borrower. See, for example, specification, p. 14, line 7-p. 17, line 7, which details examples for submission of data relating to a mortgage loan, such as identification of the loan and borrower, property securing the loan, and various expenses incurred as a result of default. In addition, the invention of claim 1 addresses the use of a rulebase, including rules directed to determine if loss can be mitigated by acquisition of a property by an insurer. See, for example, specification at p. 7, lines 3-9, which discusses the possibility that the servicer has title to the distressed property at the time a claim is submitted, in which case the rulebase determines whether there is a possibility for loss mitigation by acquisition of the property by the insurer. Cadigan does not teach and does not make obvious the collection of any such data, or the use of any rules relating to acquisition of a distressed property. Cadigan is not concerned with mortgage insurance, but is instead concerned with an entirely different line of insurance involving different data and different techniques for analysis of that data. Claim 1, as amended, therefore defines over the cited art and should be allowed.

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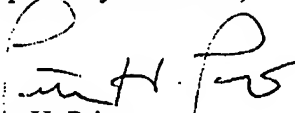
Similarly, claims 11, 14, 24, and 27 include elements relating to the receiving of data relating to an insured mortgage loan after default on the loan by a borrower, and the use of a rulebase including rules directed to determining if loss can be mitigated by acquisition by an insurer of a property that is subject to an insured loan. Claims 11, 14, 24, and 27 therefore define over the cited art and should be allowed.

The Official Action did explicitly address claims 30-32, newly added by the previous Amendment filed January 8, 2007. However, claims 30-32 are dependent claims having claim 1 as a base claim. Because claim 1 has been shown to be allowable, claims 30-32 should also be allowed.

Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



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